

1 THE HONORABLE RICARDO S. MARTINEZ
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 SEDRICK DEWAYNE ALTHEIMER,
12 Plaintiff,

13 v.
14 PIERCE COUNTY, WASHINGTON, and
15 PIERCE COUNTY SHERIFF EDWARD C.
16 TROYER, (a/k/a Ed Troyer), in his individual
17 and official capacity,
18 Defendants.

Case No. 2:21-cv-01437-RSM

**JOINT STATUS REPORT
AND DISCOVERY PLAN**

19 Plaintiff and Defendants, through their respective counsel, certify that they have consulted
20 pursuant to Fed. R. Civ. P. 26(f) and submit the following Joint Status Report and Discovery Plan
21 reflecting the result of that conference and their position with respect to the items below.

22 **1. Nature and Complexity of Case:** Plaintiff brings this action for alleged violations of 42
23 U.S.C. § 1983 for violations of Plaintiff Sedrick Dewayne Altheimer's Fourth Amendment rights to
24 be free from unreasonable search and seizure and violations of Plaintiff's Fourteenth Amendment
25 substantive and due process rights and violations of related Washington state laws. Defendants deny
26 Plaintiff's claims and any damages claimed. The parties view the case as not complex.

JOINT STATUS REPORT AND DISCOVERY PLAN
Case No. 2:21-cv-01437-RSM
Page 1 of 6

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1 2. **Joinder of Additional Parties:** The parties propose that the deadline for joining additional
2 parties be sixty (60) days from the date of the Fed. R. Civ. P. 26(f) Conference.

3 3. **Assignment to a Magistrate Judge:** The parties do not agree to assignment of this case to
4 a magistrate judge.

5 4. **Discovery Plan:**

6 a. Initial Disclosures: The Fed. R. Civ. P. 26(f) Conference took place on November
7 19, 2021. The parties exchanged their initial disclosures on December 1, 2021.

8 b. Subjects, Timing, and Potential Phasing of Discovery: Plaintiff anticipates
9 conducting discovery regarding the facts underlying the claims asserted by Plaintiff, Defendants'
10 affirmative defenses, and of any expert opinions offered by Defendants. Defendants anticipate
11 conducting discovery regarding the facts underlying Plaintiff's claims, Plaintiff's asserted damages,
12 and of any expert opinions offered by Plaintiff. The parties do not expect that discovery will need
13 to be conducted in phases. The parties propose ninety (90) days before trial for the close of all
14 discovery and that expert witnesses, if any, provide reports no later than one-hundred eighty (180)
15 days prior to trial.

16 c. Electronically Stored Information (ESI): The parties anticipate that this case will
17 involve limited discovery of ESI and do not presently anticipate any issues in dealing with any such
18 request or production. The parties will endeavor to resolve any such issues amicably and promptly.
19 The parties agree that documents will be produced in searchable pdf format with Bates numbering,
20 except Excel spreadsheets and PowerPoints may be produced natively. The parties agree to make
21 every effort to avoid duplication of documents produced.

22 d. Privilege Issues: The parties anticipate that this case may involve issues related to
23 privilege but will provide privilege logs when information protected by the work product doctrine,
24 attorney-client privilege, or other applicable privilege has been redacted or withheld.

25 e. Proposed Limitations on Discovery: At this time the parties intend to follow the
26 provisions of the Federal Rules of Civil Procedure and the Local Rules for the Western District of

1 Washington regarding limitations on discovery.

2 f. Necessity of Discovery Related Orders: No further discovery orders are necessary
3 at this time.

4 **5. Parties' Views, Proposals, and Agreements Under Local Civil Rule 26(f)(1):**

5 a. Prompt Case Resolution: The parties will endeavor to resolve the case as promptly
6 as practicable in accordance with the Federal Rules of Civil Procedure and the Local Rules for the
7 Western District of Washington.

8 b. Alternative Dispute Resolution: The parties believe that mediation is premature at
9 this stage. The parties intend to confer when/if either party believes that mediation is appropriate.

10 c. Related Cases: There are no related cases as defined in LCR 3(g) and (h). However,
11 Defendant Troyer has been charged with two gross misdemeanors for alleged actions and statements
12 arising from the same incident underlying Plaintiff's claims herein. The parallel criminal case is
13 filed in Pierce County District Court under Cause No. 1AC002225. The criminal case is scheduled
14 for trial on July 11, 2022. On December 8, 2021, Defendant Troyer will file a Motion to Stay this
15 case pending the adjudication of the Pierce County District Court case.

16 d. Discovery Management: The parties propose that discovery be managed in
17 accordance with the Federal Rules of Civil Procedure and the Local Rules for the Western District
18 of Washington.

19 e. Anticipated Discovery Sought: The parties anticipate conducting discovery on all
20 matters raised in the pleadings. The parties intend to cooperate in the coordinating and scheduling
21 of discovery and to conduct all discovery in good faith and only as the parties reasonably believe,
22 as necessary. The parties will attempt to first resolve any discovery disputes informally and
23 promptly.

24 f. Phasing Motions: The parties do not anticipate the need for phasing motions pursuant
25 to the scheduling order.

26 g. Preservation of Discoverable Information: The parties are aware of their obligation

1 to preserve discoverable information.

2 h. Privilege Issues: The parties agree to comply with Fed. R. Civ. P. 26(b)(5)(B) in the
3 event there are inadvertent disclosures of privileged or work product protected information. The
4 parties have agreed to allow for “claw back” of privileged material that is inadvertently disclosed
5 pursuant to Fed. R. Evid. 502. Any party that inadvertently discloses or produces a document or
6 ESI that it considers privileged or otherwise protected from discovery will give written notice to the
7 receiving party, identifying the document or ESI in question, the asserted privilege or protection,
8 and the ground, therefore. A party who has received what appears to be produced protected
9 documents shall promptly return to the document to the producing party within two (2) days of
10 receipt.

11 i. Model Protocol for Discovery of ESI: The parties do not anticipate that this case
12 will involve the substantial discovery of ESI. If an ESI agreement is needed, the Parties agree to
13 use the Court’s Model Protocol, modified, if necessary.

14 j. Alternatives to Model Protocol: Discovery may be limited to the extent the parties
15 seek protective orders related to privacy concerns. The parties may seek a protective order regarding
16 the production of certain personal or otherwise sensitive information.

17 **6. Proposed Discovery Deadline:** Plaintiff proposes April 3, 2023, as the trial date. Plaintiff’s
18 proposed trial date conflicts with Defendant Pierce County’s current trial schedule. Defendant
19 Troyer proposes September 5, 2023 as the trial date; discovery cutoff ninety (90) days prior to trial.

20 **7. Bifurcation:** The parties agree that bifurcation is not necessary in this case.

21 **8. Individualized Trial Program and ADR:** The parties do not intend to utilize the
22 Individualized Trial Program and intend to confer when either party believes mediation is
23 appropriate. The parties wish to utilize pretrial statements and pretrial orders pursuant to Local Civil
24 Rule 16(e), (h), and (k), and 16.1.

25 **9. Other Suggestions for Shortening the Case:** The parties have no suggestions for
26 shortening the case other than the parties may file dispositive motions in advance of trial.

1 **10. Date of Trial Readiness:** Plaintiff expects to be ready for trial on April 3, 2023. Defendant
2 Troyer expects to be ready for trial on September 5, 2023. Defendant Pierce County expects to be
3 ready for trial on September 5, 2023.

4 **11. Whether the Trial will be a Jury or Non-Jury Trial:** Plaintiff has made a jury demand.

5 **12. Length of Trial:** The parties anticipate a trial will take approximately ten (10) court days.

6 **13. Trial Counsel:**

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40 *Attorneys for Defendant Edward C. Troyer*

41 **14. Trial Date Complications:**

42 *Plaintiff's Counsel's Current Trial Schedule is as Follows:*

- 43 ○ Mindenbergs: 04/18/2022, 07/11/2022, 09/06/2022, 11/01/2022, 02/2023
44 ○ Sargent: 01/24/2022, 02/07/2022, 04/18/2022, 06/20/2022-07/01/2022, 11/01/2022,
45 02/2023

46 *Defendants' Counsel's Current Trial Schedule is as Follows:*

- 47 ○ Jackson: 1/20/2022, 2/7/2022, 3/7/2022, 4/18/2022, 4/25/2022, 6/6/2022, 06/20/2022,
48 07/11/2022, 07/25/2022, 08/15/2022, 09/26/2022, 10/24/2022, 03/13/2023

- 1 ○ Selby: 02/28/2022 through 03/10/2022, 05/2/2022 through 05/06/2022, 07/11/2022 through
07/14/2022
- 2 ○ Schacht: 05/2/2022 through 05/13/2022, 08/9/2022 through 08/12/2022

3 **15. Filing Date of Corporate Disclosure Statement:** Not applicable.

4 **16. Service:** All Defendants have been served in their individual and official capacities.

5 **17. Scheduling Conference:** The parties agree that a scheduling conference is not necessary at
6 this time.

7 DATED this 8th day of December 2021.

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